

DEC - 8 2009  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AYRICK TALBO,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:09-cv-0686-RCJ-RAM

**ORDER**

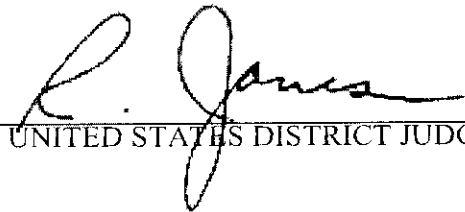
Plaintiff, an inmate proceeding *pro se*, has submitted an Affidavit: Petition for Writ of Habeas Corpus to be Filed in the Miscellaneous Green File Under the United States Constitution Art. 3, Sec. 2 and Art. 1, Sec. 9, Cl. 2 and Amendment 1" attempting to initiate a civil action in this Court. (Docket #1-3). He did not pay the required filing fee, nor did he submit an application to proceed *in forma pauperis* with a financial certificate and a copy of his inmate account statement, as required by 28 U.S.C. §1915(a)(1) and (2) and Local Rules LSR 1-1 and 1-2. Although his "Affidavit" is termed as a "Petition for Writ of Habeas Corpus," it is unclear from Plaintiff's submissions whether Plaintiff is attempting to initiate a civil rights action or file a petition for writ of habeas corpus.

**IT IS THEREFORE ORDERED** that the Clerk of the Court shall send Plaintiff a blank application form for an application to proceed *in forma pauperis* for incarcerated litigants, a blank civil rights complaint form with instructions, and a blank petition for writ of habeas corpus form with instructions. The Clerk of the Court shall return a copy of the plaintiff's submissions to him.

**IT IS FURTHER ORDERED** that the action is **DISMISSED** without prejudice for the plaintiff's commencement of a **NEW** action in which he either pays the appropriate filing fee in full or submits a complete application to proceed *in forma pauperis*, accompanied by a properly executed

1 financial certificate and a copy of his inmate trust account statement. The Clerk of the Court shall enter  
2 judgment accordingly.

3 DATED: 12-08-09

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UNITED STATES DISTRICT JUDGE